

THOMAS E. FRANKOVICH (State Bar #074414)  
 THOMAS E. FRANKOVICH  
 A PROFESSIONAL LAW CORPORATION  
 4328 Redwood Hwy, Suite 300  
 San Rafael, CA 94903  
 Telephone: 415/674-8600  
 Facsimile: 415/674-9900  
[tfrankovich@disabilitieslaw.com](mailto:tfrankovich@disabilitieslaw.com)

Attorney For Plaintiff , CRAIG YATES,

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

CRAIG YATES,

Plaintiff,

v.

BANGKOK THAI EXPRESS, INC., a  
 California Corporation dba BANGKOK  
 THAI EXPRESS; and DONALD J.  
 KELLEHER and DONNA B. KELLEHER,  
 Co-Trustees of THE KELLEHER  
 FAMILY TRUST of 1990, u/d/t dated July  
 14, 1990,

Defendants.

CASE NO. CV-13-5127-NC

**STIPULATION OF DISMISSAL  
 AND ~~PROPOSED~~ ORDER  
 THEREON**

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(2). Outside of the terms of the Settlement Agreement and General Release (“Agreement”) herein, each party is to bear its own costs and attorneys’ fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

Therefore, IT IS HEREBY STIPULATED by and between parties to this action through their designated counsel that the above-captioned action become and hereby is dismissed with prejudice pursuant to Federal Rules of Civil Procedure 41(a)(2).

This stipulation may be executed in counterparts, all of which together shall constitute one original document.

Dated: January 27, 2015

THOMAS E. FRANKOVICH  
A PROFESSIONAL LAW CORPORATION

By: /s/ Thomas E. Frankovich  
Thomas E. Frankovich  
Attorney for Plaintiff CRAIG YATES

Dated: January 27, 2015

MCNEIL, SILVEIRA, RICE & WILEY,

Permission given to use  
electronic signature 1/27/2015  
via e-mail

By: /s/ Mark J. Rice  
Mark J. Rice  
Patrick J. McNeil

Attorneys for Defendants BANGKOK THAI EXPRESS, INC., a California Corporation dba BANGKOK THAI EXPRESS; and DONALD J. KELLEHER and DONNA B. KELLEHER, Co-Trustees of THE KELLEHER FAMILY TRUST of 1990, u/d/t dated July 14, 1990

### ORDER

IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to Fed.R.Civ.P.41(a)(2). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the purpose of enforcing the parties' Settlement Agreement and General Release should such enforcement be necessary

Dated: January 29, 2015

Honorable Magistrate Judge  
UNITED STATES DISTRICT COURT

